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Reply to Office Action of October 18, 2004

REMARKS

Claims 1 – 22 are pending in the application. Claims 1 – 22 have been rejected and are presented for reconsideration. Claims 8 and 10 have been amended to correct typographical errors.

The Examiner rejected claims 1 – 15 and 22 under 35 USC § 102(e) as being anticipated by *Stone, et al.* (U.S. 6,738,750). This rejection is respectfully traversed.

Claim 1 is directed to a method of facilitating trade and includes the steps of accessing a plurality of preconfigured buyer profiles with each buyer profile including at least the identification of a buyer, a delivery destination and a pricing factor associated with the identified buyer; accessing a logistics database including at least costing information associated with shipping to delivery destinations; configuring a plurality of output prices, each output price associated with one buyer profile, and being a modification of the input price to reflect at least a cost of shipping to the delivery destination and a price adjustment affected by the pricing factor associated with the buyer profile; and confidentially distributing the plurality of output prices to the identified buyer associated with each buyer profile.

With respect to accessing the plurality of buyer profiles, including identification of a buyer, a delivery destination and a pricing factor, the Examiner cites *Stone, et al.* at col. 22, ll. 1 – 29, col. 23, ll. 37 – 56, and Fig. 2A (1760). At col. 22, ll. 1 – 29, *Stone, et al.* teaches a transaction database 2620 that maintains data on the buyer's purchases of products, goods, or services offered by the sellers over the central presentation and selection server 2000. The transaction database 2620 has data fields containing information that relates to the purchases or reservations made by the buyer. The specific fields within the transaction database 2620 will depend on the type of seller and their

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product, goods, or service, but will always contain the field for the purchase or reservation tracking ID. At col. 23, ll. 37 – 56, *Stone, et al.* teaches that the transaction negotiation program 2725 of the central presentation and selection server 2000 negotiates the interactive transaction with the buyer. The program facilitates the transaction by presenting products, goods, services, offerings, options, add-on items, rates or prices, availability, alternatives or discounts in response to unavailable or denied requests, and other choices to assist the buyer in making the purchase transaction. In Fig. 2A, *Stone, et al.* show a communication and transport program 1760 that monitors, directs, and controls the receiving and transmitting of messages between the central controller and presentation processor 1000, seller interface 4000, and the media interface 6000. There is no teaching in *Stone, et al.* of a buyer profile including a pricing factor associated with the identified buyer.

With respect to accessing a logistics database including at least costing information associated with shipping to delivery destinations, the Examiner cites *Stone, et al.* at col. 22, l. 66 – col. 23, l. 19 and Figs. 5A – 5H. *Stone, et al.* teaches, at col. 22, l. 66 – col. 23, l. 19, an inventory database 2660 having data fields containing information that monitors and controls the inventory of products, goods, and services offered for sale by the sellers. The data fields held by the inventory database 2660 will vary from seller type to seller type, depending upon the type of products, goods, or services that are being sold or reserved. Figs. 5A – 5H provide an example of the seller's set up and use of the resource saver protocol taught by *Stone, et al.* The purpose of the resource saver protocol is to reduce the number of messages sent and received by all components of the invention, while maintaining control and synchronization with any qualified inventory that is offered for sale.

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Figs. 5A – 5H deal strictly with inventory control and there is no depiction in these flow charts of a logistics database including costing information associated with shipping to delivery destinations.

With respect to the step of configuring a plurality of output prices, the Examiner cites *Stone, et al.* col. 22, l. 66 – col. 23, l. 19. At col. 22, l. 66, *Stone, et al.* teaches a transaction database 2620 having specific fields that depend on the type of seller and the product, goods, or service, but always containing the field for the purchase or reservation tracking ID. In the material cited by the Examiner, there is no teaching of configuring a plurality of output prices that reflect at least the cost of shipping to the delivery destination of the respective associated buyer profile and a price adjustment affected by the pricing factor of the respective associated buyer profile.

With respect to the step of confidentially distributing the plurality of output prices, the Examiner cites *Stone, et al.* at col. 22, ll. 1 – 29 and Figs. 2A – 2C. Figs. 2A – 2C are block diagrams showing (a) the central controller and presentation processor, (b) the central presentation and selection server, and (c) the seller interface, respectively. These figures do not depict the confidential distribution of a plurality of output prices. As noted previously, *Stone, et al.* teaches, at col. 22, ll. 1 – 29, a transaction database. Furthermore, *Stone, et al.* teaches (col. 5, ll. 10 – 28) that the invention improves on the prior art by automatically publishing the information and data received from sellers in an open-access format that is readily available to public automatic search and index programs, as well as to on-demand search programs. *Stone, et al.* does not teach the step of confidentially distributing the plurality of output prices.

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In order to anticipate a claim, the reference must show each and every element of the claim. *Stone, et al.* fails to teach specific aspects of claim 1 identified in the preceding paragraphs. Therefore, claim 1 is not anticipated by *Stone, et al.*

Claim 2 depends from claim 1 and recites the step of posting each output price at the server for confidential access by the buyer identified in the associated buyer profile. The Examiner cited *Stone, et al.* at col. 21, ll. 23 – 67; and col. 23, ll. 37 – 56. *Stone, et al.*, at col. 21, ll. 23 – 67, teaches a buyer database 2610 that maintains data on buyers who make purchases or reservations for products, goods or services offered by the sellers over the central presentation and selection server 2000. The buyer database includes data fields containing buyer name, network or delivery ID, physical address, phone, email address, credit card information, and other information deemed necessary to support the buyers and requirements of the proposed sellers. At col. 23, ll. 37 – 56, *Stone, et al.* teaches a transaction negotiation program 2725 of the central presentation and selection server 2000 for negotiating the interactive transaction with the buyer. These teachings in *Stone, et al.* do not include a teaching of the step of posting each output price at the server for confidential access by the buyer. Therefore, claim 2 is not anticipated by *Stone, et al.*

Claim 3 is directed to a system for facilitating trade and includes, among other elements, a plurality of preconfigured buyer profiles with each buyer profile including at least the identification of the buyer, a delivery destination, and a pricing factor associated with the identified buyer; logistics data including at least costing information associated with shipping to deliver destinations; and a computer program feature for converting an input price at the server to

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a plurality of output prices, each output price being a modification of the input price and reflecting at least (i) the cost of shipping to the delivery destination and (ii) a price adjustment affected by the pricing factor of the respective associated buyer profile. Each of these elements has a corresponding step in claim 1. The Examiner has cited the same teachings in *Stone, et al.* for each corresponding element of claim 3. With respect to the price adjustment affected by the pricing factor, the Examiner has added a citation to Figs. 2A – 2C and specifically to reference number 2725 in Fig. 2B. This reference number corresponds to the transaction negotiation program of the central presentation and selection server 2000 for negotiating the interactive transaction with the buyer. There is no interactive transaction involved in the computer program feature for converting an input price input at the server to a plurality of output prices taking into consideration the cost of shipping to the delivery destination and a price adjustment affected by the pricing factor. Applicants incorporate by reference their above remarks made with respect to the corresponding steps recited in claim 1. Therefore, claim 3 is not anticipated by *Stone, et al.*

Claim 4 depends from claim 3 and recites the additional limitation that each buyer profile comprises product specifications unique to the buyer, such that when the seller identifies a product for sale, the buyer is selected to receive the product based on matching the product specification unique to the buyer. The Examiner cited *Stone, et al.* at col. 22, ll. 1 – 29 in rejecting this claim. The teaching referred to by the Examiner describes a transaction database that maintains data on the buyer's purchases of products, goods or services offered by the sellers over the central presentation and selection server 2000. The transaction database 2620 will have data fields containing information that relates to the purchases or reservations made by the buyer.

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The example provided in this cited text is for a presentation of lodging facilities. Even if the items identified in this section could be construed as a product specification unique to the buyer, there is still no teaching in *Stone, et al.* of selecting the buyer to receive the product based on matching the products for the specification unique to the buyer when the seller identifies a product for sale. Therefore, claim 4 is not anticipated by *Stone, et al.*

Claim 5 depends from claim 3 and recites the limitation that each output price is forwarded to a buyer associated with the respective buyer profile. The Examiner cited *Stone, et al.* col. 23, ll. 37 – 56. In the teachings cited by the Examiner, *Stone, et al.* teaches a transaction negotiation program for negotiating the interactive transaction with the buyer. This is not a teaching of forwarding an output price to a buyer associated with the associated buyer profile. Therefore, claim 5 is not anticipated by *Stone, et al.*

Claim 6 depends from claim 3 and recites the limitation that the input price is provided in a recognized shipping term selected by the seller. The Examiner cited *Stone, et al.* at col. 35, l. 46 – col. 36, l. 56. The material cited by the Examiner teaches various aspects of a transaction negotiation program, but fails to teach entering of an input price into the system in a recognized shipping term selected by the seller. Therefore, claim 6 is not anticipated by *Stone, et al.*

Claim 7 depends from claim 3 and adds the limitation that the input price is a free-on-board price. The Examiner cites *Stone, et al.* at col. 22, ll. 1- 29; col. 23, ll. 37 – 56, and Fig. 2A (1760). The material at col. 22, ll. 1 – 29 teaches aspects of the transaction database as described previously. Likewise, the material cited at col. 23, ll. 37 – 56 teach aspects of the transaction negotiation program discussed previously. Fig. 2A (1760) representing the communication and

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transport program has also been discussed above. There is no teaching in any of these citations of having input price as a free-on-board price. Therefore, claim 7 is not anticipated by *Stone, et al.*

Claim 8 depends from claim 3 and recites the additional limitation that the output price is provided in a recognized shipping term selected by the seller. The Examiner cited *Stone, et al.* at col. 22, ll. 1 – 29; col. 23, ll. 37 – 56; and Fig. 2A – 2C. The material at col. 22, ll. 1 – 29 teaches aspects of the transaction database as described previously. Likewise, the material cited at col. 23, ll. 37 – 56 teaches aspects of the transaction negotiation program discussed previously. Fig. 2A – 2C representing the communication and transport program has also been discussed above. There is no teaching in any of these citations of providing each output price in a recognized shipping term selected by the seller. Therefore, claim 8 is not anticipated by *Stone, et al.*

Claim 9 depends from claim 3 and recites the additional limitation that the delivered price is a cost-insurance-freight price. The Examiner cited *Stone, et al.* at col. 35, l. 46 – col. 36, l. 56. The material referred to by the Examiner fails to teach any shipment of goods at all. Consequently, it fails to teach a delivered price that is a cost-insurance-freight price. Therefore, claim 9 is not anticipated by *Stone, et al.*

Claim 10 depends from claim 3 and recites the additional limitation of a negotiation platform for confidentially posting the output prices for access by prosective buyers. The Examiner cited *Stone, et al.* at col. 10, ll. 16- 36. The material referred to by the Examiner is part of the glossary provided by *Stone, et al.* and defines inventory substitutability. There is no

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teaching in this definition of a negotiation platform for confidentially posting output prices for access by prospective buyers. Therefore, claim 10 is not anticipated by *Stone, et al.*

Claim 11 depends from claim 3 and recites the additional limitation that the computer program can convert a delivered price entered into the platform by a buyer into an origin price for presentment by a seller. The Examiner cited *Stone, et al.* at col. 10, ll. 16 – 36. As noted in the remarks for claim 10, the material cited by the Examiner is a definition of inventory substitutability. There is no teaching of a delivered price being converted into an origin price. Therefore, claim 11 is not anticipated by *Stone, et al.*

Claim 12 depends from claim 11 and recites the additional limitation that the origin price is forwarded only to sellers who have profiled the buyer in their buyer profile database. The Examiner again cited col. 10, ll. 16 – 36, which provides only a definition of inventory substitutability. Therefore, claim 12 is not anticipated by *Stone, et al.*

Claim 13 is directed to a computer readable medium containing a computer program for managing a trading platform and comprises program instructions that allow a producer to create a buyer profile, grant access privileges to the buyer, receive an offer price from a seller, and calculate a plurality of delivered prices, each delivered price uniquely calculated for individual buyers based at least in part on an individual buyer's pricing factor. The Examiner rejected this claim based on the same rationale that he applied to claim 1. Applicants incorporate by reference the remarks presented above to overcome the rejection of claim 1. Therefore, claim 13 is not anticipated by *Stone, et al.* for all the same reasons.

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Claim 14 depends from claim 13 and recites the further limitation that the computer readable medium comprises program instructions for calculating an offer price from each delivered price. The Examiner again referred to the basis for his rejection of claim 1 in rejecting claim 14. Claim 14 is similar to claim 12, and Applicants incorporate by reference their remarks to overcome the rejection of claim 12. Therefore, claim 14 is not anticipated by *Stone, et al.*

Claim 15 depends from claim 13 and recites the additional limitation that buyer access privileges allow access to only information specifically designated for the buyer. The Examiner referred to his rationale for the rejection of claim 2 in rejecting claim 15. Applicants incorporate by reference their remarks to overcome the rejection of claim 2. Therefore, claim 15 is not anticipated by *Stone, et al.*

Claim 22 is directed to a system for facilitating trade and comprises the steps of generating at a server on a global computer network a plurality of delivered prices from a single origin price input by a seller via a network client and making one delivered price of the plurality of delivered prices confidentially accessible to each of a plurality of buyers via a network client.

The Examiner cited *Stone, et al.* at col. 8, ll. 56 – 61; col. 23, ll. 37 – 56, and col. 21, ll. 23 – 67 in rejecting this claim. At col. 8, ll. 56 – 61, *Stone, et al.* provides a definition of cookies. At col. 23, ll. 37 – 56, *Stone, et al.* teaches a transaction negotiation program 2725 for negotiating the interactive transaction with the buyer. At col. 21, ll. 23 – 67, *Stone, et al.* describe the contents of a buyer database 2610. There is no teaching in the cited materials of *Stone, et al.* of generating a plurality of delivered prices from a single origin input price at a

server and making one delivered price of the plurality of delivered prices confidentially accessible to each of a plurality of buyers. Therefore, claim 22 is not anticipated by *Stone, et al.*

The Examiner rejected claims 16 – 21 under 35 USC § 103(a) as being unpatentable over *Stone, et al.* This rejection is respectfully traversed.

Claim 16 is directed to a method for making a bid transaction on a trading platform accessible to sellers and buyers. It includes the steps of receiving buyer information into the trading platform, creating at least one buyer profile and establishing a basis for a trading relationship; notifying the buyer of the establishment of the trading relationship, and granting the buyer access privileges to the platform; introducing product information into the platform, including an origin offer price; generating a delivered price from the origin offered price, and forwarding it to buyers in the seller's buyer profile by the platform; notifying the buyer of the availability of an offer on the platform; and receiving a counteroffer price from the buyer. The Examiner based his rejection of claim 16 on the same grounds that he used to reject claim 1. In addition, the Examiner stated that *Stone, et al.* does not explicitly disclose receiving a counteroffer price from the buyer. The Examiner took official notice that this feature is old and well known in the art. He concluded that it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to implement this feature for the advantage of possibly obtaining a higher price and closing the sale. Applicants incorporate by reference the remarks made above to overcome the rejection of claim 1. Applicants disagree with the Examiner's assertion that the step of receiving a counteroffer price from the buyer as part of a method for making a bid transaction on a trading platform is old and well known in the art. Applicants

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request that the Examiner provide a reference that supports his assertion. Therefore, claim 16 is allowable over *Stone, et al.*

Claim 17 depends from claim 16 and adds the additional step of introducing the offer price into a price configurator. The Examiner cited *Stone, et al.* at col. 10, ll. 6 – 36 in rejecting this claim. The material cited by the Examiner provides definitions for inventory and inventory substitutability. There is no teaching in these definitions of introducing the offer price into a price configurator. Further, there is no teaching of a price configurator in *Stone, et al.* Therefore, claim 17 is allowable over *Stone, et al.*

Claim 18 depends from claim 16 and recites the additional limitation that the price configurator is an automatic pricing system that can convert an offer price to an individual delivered price. The Examiner cited *Stone, et al.* at col. 5, ll. 48 – 58 ("update") in rejecting this claim. The material cited by the Examiner is an object of the *Stone, et al.* patent, i.e., to allow for automatic global updating of the description, price, quantity, and availability of products, goods, and services in traditional periodic media or electronic presentations. This is not a teaching of an automatic pricing system that converts an offer price to an individual delivered price as recited in the claim. Therefore, claim 18 is allowable over *Stone, et al.*

Claim 19 depends from claim 16 and recites the additional limitation that the price configurator is an automatic pricing system that can convert an individual delivered price to an offer price. The Examiner again cited *Stone, et al.* at col. 5, ll. 48 – 50 in rejecting this claim. There is no teaching in *Stone, et al.* of converting an individual delivered price to an offer price as recited in this claim. Therefore, claim 19 is allowable over *Stone, et al.*

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Claim 20 depends from claim 16 and recites the additional step of considering at least

one of the buyer profile, logistics rate tables, and product specifications in the step of generating

an offer price. The Examiner cited *Stone, et al.* at col. 4, l. 60 – col. 6, l. 13 in rejecting this

claim. The material referenced by the Examiner provides objects and advantages of the *Stone, et*

al. invention, however, there is no teaching of the step of considering at least one of a buyer

profile, logistics rate table, and product specification in generating an offer price. Therefore,

claim 20 is allowable over *Stone, et al.*

Claim 21 depends from claim 16 and recites that the step of generating a delivered price

comprises the step of considering criteria specifically set by the seller. The Examiner cited

Stone, et al. at col. 10, ll. 16 – 36 in rejecting this claim. The material cited by the Examiner

provides a definition of inventory substitutability and does not teach the step of considering

criteria specifically set by the seller in generating a delivered price. Therefore, claim 21 is

allowable over *Stone, et al.*

The prior art made of record has been reviewed, but is not deemed pertinent to

Applicant's invention. U.S. Patent 6,728,685 to *Ahluwalia* and U.S. Patent 6,609,108 to *Pulliam,*

et al. (same assignee) relate to a communications schema for an online reporting system and

method for online orders of consumer products having specific configurations. U.S. Patent 6,260,

024 to *Shkedy* relates to a method and apparatus for facilitating buyer-driven purchase orders on a

commercial network system. Individual buyers' purchase requirements are aggregated into a

single collective purchase requirement and sellers are located willing to bid on the collective

purchase requirement. U.S. Patent 5,970,475 to *Barnes, et al.* relates to an electronic commerce

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procurement system and method for trading partners, which enables a plurality of users within a

purchasing organization to procure goods/services from pre-arranged suppliers, consistent with

the level of authorization given to each user and enables automated payments to the supplier by a

bank after the goods/services have been delivered.

In view of the above remarks, it submitted that the rejections of the Examiner have been

properly addressed and the pending claims are in condition for allowance. Such action at an

early date is earnestly solicited. It is also requested that the Examiner contact Applicants'

attorney at the telephone number listed below should this response not be deemed to place this

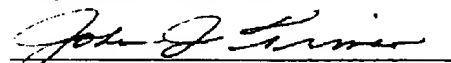application in condition for allowance.

Respectfully submitted,

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